

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

RICHARD DISCO,
Petitioner,

v.

SUPERINTENDENT,
SCI FAYETTE, et al.,
Respondents.

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CIVIL ACTION
NO. 11-6385

ORDER

AND NOW, this 30th day of September, 2022, in consideration of Petitioner Richard Disco's Motion for Relief from Judgment Under Fed. R. Civ. P. 60(b) (ECF No. 28), it is hereby **ORDERED** that:

1. The Motion is **DISMISSED** for lack of subject matter jurisdiction without prejudice to Petitioner's right to file with the United States Court of Appeals for the Third Circuit an application to file a second or successive habeas petition. *See* 28 U.S.C. § 2244(b)(3)(A).
2. The Motion for Appointment of Counsel (ECF No. 27) is **DENIED**.
3. A Certificate of Appealability is **DENIED** pursuant to 28 U.S.C. § 2253(c) because reasonable jurists would not debate the propriety of this Court's procedural ruling with respect to these claims. *See Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

BY THE COURT:

/s/ C. Darnell Jones, II
C. Darnell Jones, II J.